

MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT DECEMBER 1, 2008 MEETING 6:00 P.M.

Members Present: Mike Hattaway, Chairman; Dan Bushrui, Bob O'Malley, Stephen Coover and Mike Bass

Staff Present: Kathy Fall, Principal Planner; Denny Gibbs, Senior Planner; Joy Williams, Planner; and Patty Johnson, Staff Assistant

Mr. Hattaway, Chairman; called the meeting to order at 6:00 P.M. Mr. Hattaway then explained the method by which the meeting would be conducted, rules for voting and appealing decisions.

CONSENT ITEMS

1. **Rut Street (Lot 16)** – Barbara Johnson, applicant; Request for (1) a lot size variance from 43,560 square feet to 5,000 square feet, a (2) width at building line variance from 150 feet to 50 feet, a (3) front yard setback variance from 50 feet to 20 feet, a (4) rear yard setback variance from 30 feet to 20 feet, and a (5) side yard (south) setback variance from 10 feet to 7.5 feet for a single family home in A-1 (Agriculture) district; Located on the east side of Rut Street approximately 120 feet north of Hughey Street ; (BV2008-105). (District-5)
Joy Williams, Planner
2. **201 Valentine Way**– Seminole County Board of County Commissioners, applicant; Request for a building height variance from 35 feet to 54 feet for a proposed fire training tower in PCD (Planned Commercial Development) district; Located on the south side of Valentine Way approximately 700 feet east of SR 419; (BV2008-104). (District 5)
Kathy Fall, Principal Planner

Mr. Bushrui made a motion to approve Consent Items 1 & 2.

Mr. O'Malley seconded the motion.

The motion passed by unanimous consent (5-0).

CONTINUED ITEM

3. **1216 Brampton Place** – William Roberts, applicant; Request for a 1) rear yard setback variance from 5 feet to 3 feet for a pool and 2) a rear yard setback

variance from 5 feet to 0 feet for a pool screen enclosure in PUD (Planned Unit Development) district; Located on the west side of Brampton PI approximately 450 feet south of Heathrow Blvd; (BV2008-100). (District - 5)
Joy Williams, Planner

Joy Williams stated the applicant asked that the Item be continued again until the January 26, 2009 meeting.

Mr. Coover made a motion to continue Item #3 until the January 26, 2009 meeting.

Mr. Bass seconded the motion.

The motion was passed by unanimous consent (5-0).

PUBLIC HEARING ITEMS

4. **2990 Harbour Landing Way** – Mary Ann Lucas, applicant; Request for a side street setback variance from 25 feet to 0 feet for an existing fence in R-1AA (Single Family Dwelling) district; Located on the north east corner of the intersection of Harbour Landing Drive and Harbour Landing Way; (BV2008-101). (District 1)
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant constructed a privacy fence that connected to the subdivision wall which was located at 0 feet and then the fence ran diagonally toward the applicant's home. She further stated the entire fence was not at 0 feet, but the variance had to be taken from the closest point to the property line. She then stated the fence was cited by the Seminole County Building Department for construction without a permit. She lastly stated there was no record of prior variances granted for the property.

Mary Ann Lucas stated she would lose quite a bit of her back yard at the 25 feet required setback. She further stated the existing fence did not block anybody's view. She then stated the existing fence gave her access to her whole backyard. She also stated she submitted approval from her Homeowner's Association and a petition of support from each neighbor. She lastly stated the existing fence was used to keep her dogs safe from Red Bug Road, to provide security and privacy for her home.

Paul West stated he was the applicant's neighbor and he wanted to submit photographs of the existing fence and a petition with universal support from all the homeowners. He further stated the fence was an additional security factor for the neighbor next door. He lastly stated he appreciated the Board of Adjustment consideration to the request.

John Chambliss stated he lived next door to the applicant. He further stated since the applicants moved in they had improved in many ways the property and the improvements also benefitted the entire subdivision. He then stated the fence was esthetically pleasing when entering the subdivision from Red Bug Lake Road. He lastly stated he felt the fence enhanced their security since it prohibited anyone from entering his property or the applicant's property.

Mr. O'Malley made a motion to approve the request.

Mr. Coover seconded the motion.

The motion passed by unanimous consent (5-0).

5. **738 Baywood Circle** – John and Tana Sauls, applicant; Request for a rear yard setback variance from 30 feet to 24 feet for an existing shed in R-1A (Single Family Dwelling) district; Located on the east side of Baywood Circle approximately 100 feet south of Wynn Drive; (BV2008-102). (District 5)
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant constructed an approximately 336 square feet shed that encroached 6 feet into the required 30 feet rear yard setback. She further stated there was no record of prior variances granted for the property.

Tana Sauls stated they hoped the Board of Adjustment would consider letting them keep the shed where it was. She further stated they had to move her mom from Alabama and had to have a place to put her things. She then stated they didn't know they needed a permit for the shed.

Mr. Bass made a motion to approve the request.

Mr. Coover seconded the motion.

The motion passed by unanimous consent (5-0).

6. **1496 Ashdown Court** – Elaina Giarrusso, applicant; Request for a rear yard setback variance from 20 feet to 17 feet for a covered screen porch in PUD (Planned Unit Development) district; Located on the west side of Ashdown Court approximately 860 feet north of Orange Blvd; (BV2008-103). (District-5)
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to construct an approximately 300 square feet covered screen porch that would encroach 3 feet into the required 20 feet rear yard setback. She further stated there were currently no code enforcement or building violations for the property. She then stated there was no record of prior variances granted for the property.

Elaina Giarrusso stated she hired a contractor to add to her existing slab, but the contractor did not pull a permit. She further stated she hired a different contractor to install the screen room and when he went to pull a permit he was told he needed to apply for a variance.

Mr. Coover made a motion to approve the request.

Mr. O'Malley seconded the motion.

The motion passed by unanimous consent (5-0).

7. **3627 W Supreme Court** – Richard Cohen, applicant; Request for a rear yard setback variance from 30 feet to 21 feet for a 23-foot by 8.5-foot covered porch in R-1A (Single Family Dwelling) district; Located on the south side of Supreme Ct approximately 180 feet west of Ballentyne Pl; (BV2008-107). (District-3)
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to construct a covered porch that would encroach 9 feet into the required 30 feet rear yard setback. She further stated the applicant received approval from the Homeowner's Association and two letters of support from neighbors. She then stated there were currently no code enforcement or building violations for the property. She lastly stated there was no record of prior variances granted for the property.

Mike DeVane stated he was the contractor that would build the covered porch if approved by the Board of Adjustment. He further stated with approval of both adjacent neighbors and the Homeowner's Association he felt the porch would be an improvement to the property.

Mr. Bushrui made a motion to approve the request.

Mr. Bass seconded the motion.

The motion passed by unanimous consent (5-0).

8. **483 Allison Avenue** – Thomas R. Smith, Sr., applicant; Request for a side street setback variance from 25 feet to 0.5 feet for an existing fence in R-1AA (Single Family Dwelling) district; Located on the northwest corner Allison Avenue and Alberta Street; (BV2008-106). (District 4)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant installed a 6 foot privacy fence along the north property line that replaced a chain link fence. She further stated the fence encroached 24.5 feet into the required 25 feet side street setback. She then stated a notice of violation was issued for the installation of the fence. She also stated Traffic Engineering reviewed the

request and found no safety issue regarding the placement of the fence. She lastly stated there was no record of prior variances granted for the property.

Thomas R. Smith stated he thought he could replace a chain link fence with a wood fence without a permit. He further stated he was cited by the Building Department and applied for a permit, which was when he found out about the 25 feet setback requirement. He then stated within his subdivision area almost every fence on corner lots are at the property line. He also stated he had two letters of support from neighbors on the north side of the property that had the most view of the fence. He further stated he saw in October that almost the exact request was approved on Alberta Street. He lastly asked the Board of Adjustment to approve his variance as well.

Mr. Coover made a motion to approve the request.

Mr. Bass seconded the motion.

The motion passed by unanimous consent (5-0).

9. **2067 Starboard Drive** – Jason Kaiser, applicant; Request for 1) a side yard (north) setback variance from 20 feet to 1.0 feet for a proposed garage and 2) a front yard (south) setback variance from 20 feet to 0.0 feet and 3) a side street (west) setback variance from 20 feet to 0.0 feet for a proposed 6-foot block wall in RM-1 (Single Family Mobile Home Dwelling) district; Located on the northeast corner of Mullet Lake Park Road and Starboard Drive; (BV2008-109). (District 5)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct an approximately 1500 square feet attached garage that would encroach 19 feet into the required 20 feet side yard setback. She further stated an existing garage and shed would be removed. She then stated the applicant also proposed to construct a 6 feet block perimeter wall along the property line that would encroach 20 feet into the required 20 feet front yard and side street setbacks. She also stated Traffic Engineering reviewed the request and found no safety issue regarding the placement of the wall. She further stated there were currently no code enforcement or building violations for the property.

Jason Kaiser stated he had really bad flooding issues after tropical storm Fay and he was trying to protect himself from future flooding issues. He then showed the Board of Adjustment the proposed location of the new garage and wall from an aerial view. He also stated he hoped the Board of Adjustment would approve his request.

Dan Bushrui made a motion to approve the request.

Mr. Coover seconded the motion.

The motion passed by unanimous consent (5-0).

10. **5171 Orange Avenue North** – Richard Hunt, applicant; Request for 1) a rear yard setback variance from 30 feet to 10 feet – 7 inches and 2) a side yard (north) setback variance from 7 feet to 3 feet for an existing shed in R-1 (Single Family Dwelling) district; Located on the east side of Orange Avenue approximately 1000 feet north of Aloma Avenue; (BV2008-110). (District 1)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant was using a truck trailer box as a shed which encroached 4 feet into the required 7 feet side yard setback and 19 feet 5 inches into the required 30 feet rear yard setback. She further stated the applicant submitted letters of support from his neighbors. She then stated there was currently no code enforcement or building violations for the property. She lastly stated there was no record of prior variances granted for the property.

Richard Hunt stated a building permit had been approved pending setback issues. He further stated special conditions and circumstances involved the location of his septic tank and drain field. He then stated a company installed the shed some 8 years ago. He also stated several of his neighbors had large sheds. He further stated all of his neighbors that could see the structure supported his request. He then stated the structure had been painted the same color as his house.

Mr. Bass made a motion to approve the request.

Mr. Bushrui seconded the motion.

The motion passed unanimous consent (5-0).

11. **The Springs (subdivision)** – Robert Shakar, applicant; Request for a subdivision wall height variance from 6 ½ feet to 8 feet in PUD (Planned Unit Development) district; Located along the intersection of SR 434 and Wekiva Springs Road; (BV2008-114). (District 3)
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated Robert Shakar was representing the Springs Community Association with their request for an 8 feet subdivision wall along the perimeter of The Springs neighborhood abutting State Road 434 and Wekiva Springs Road. She further stated the applicant proposed to replace an existing wood fence with the 8 feet masonry wall with a stucco finish. She then stated all of the sections of The Springs had common areas in which the proposed wall was permitted.

Robert Shakar stated that 434 was currently being improved and widened. He further stated two items that they thought required change was security and noise. He then stated the County along with the Department of Transportation

did a noise study and they compared to one side of the community where the condominiums are 160 feet from the property line, but they did not mention that there were houses less than 30 feet from the property line. He also stated if they would have done the study according to the houses he believed that would have indicated a noise level at a point that maybe the State or the County would have helped them build a taller wall because of the noise. He further stated security wise they had situations with the old shorter fence people were able to get over them and come visit the community. He lastly stated for security sake they would like the Board of Adjustment support.

Jerry Alexandrowicz stated he felt that the Board of Adjustment would be correcting an error the County made by not going ahead and getting a variance to put in the 8 feet fence on Wekiva Springs Road. He further stated they put an 8 feet fence when it should have been 6 feet.

Mr. O'Malley made a motion to approve the request.

Mr. Bass seconded the motion.

The motion passed by unanimous consent (5-0).

APPROVAL OCTOBER 27, 2008 MEETING MINUTES

Mr. Coover made a motion to approve the October 27, 2008 Minutes.

Mr. Bushrui seconded the motion.

The motion passed by unanimous consent (5-0).

APPROVAL OF THE 2009 MEETING SCHEDULE

Mr. Bushrui made a motion to approve the 2009 Meeting Schedule.

Mr. Coover seconded the motion.

The motion passed by unanimous consent (5-0).

ADJOURNMENT

Time of adjournment was 7:00 P.M.